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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,186	12/11/2001	Jakob Gerrit Nijboer	NL010212	2687

24737 7590 01/28/2005

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

BATTAGLIA, MICHAEL V

ART UNIT	PAPER NUMBER
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2652

DATE MAILED: 01/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Office Action Summary</p>	<p>Application No.</p> <p align="center">10/014,186</p>	<p>Applicant(s)</p> <p align="center">NIJBOER ET AL.</p>	
	<p>Examiner</p> <p align="center">Michael V Battaglia</p>	<p>Art Unit</p> <p align="center">2652</p>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-7,10-13,17,18 and 21-23 is/are rejected.
- 7) ☒ Claim(s) 2-4,8,9,14-16,19 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to Applicant's amendment, filed September 27, 2004. Claims 1-23 are pending.

Drawings

1. The proposed corrections to the drawings were received on September 27, 2004 and are acceptable. However, the objection to the drawings will remain until new corrected drawings incorporating the proposed corrections are submitted. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informality. On line 9 of page 14, replacing "Fig. 10" with -Fig. 11- is suggested. Appropriate correction is required.

Claim Objections

3. Claims 1, 2, 17 and 19 are objected to because of the following informalities.
- a. On line 2 of claim 1, replacing "performed" with -preformed- is suggested.
 - b. On line 6 of claim 2, replacing "continuing" with -containing- is suggested.
 - c. On line 3 of claim 17, replacing "that (LI)" with -(LI) that- is suggested.
 - d. On line 1 of claim 19, replacing "an/or" with -and/or- is suggested.
- Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 5-7, 13, 17 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Su et al (hereafter Su) (US 6,411,574).

In regard to claim 1, Su discloses a record carrier (Fig. 8) of the disc-like optically inscribable type, having a preformed track in which an auxiliary signal comprising a sequence of codes is formed by means of a preformed track modulation, which codes comprise a sequence of address codes (Fig. 8, elements T1-T7; Col. 3, lines 44-45; and Col. 1, lines 24-28) specifying the addresses of the track portions in which said address codes are recorded and special codes (Fig. 13) for specifying control data for controlling a recording by a recording device, wherein the preformed track comprises consecutively from an inner part of the disc: a program calibration area (Fig. 8, element PCA) reserved for recorder calibrating purposes, a program memory area (Fig. 8, element PMA) for temporarily storing recorded user content data, a lead-in area (Fig. 8, element Lead-in) for storing definitive recorded user content data, a program area (Fig. 8, element Program Area) for recording user data and a lead-out area (Fig. 8, area beginning at end of Program area) for indicating end of the program area, wherein said special codes are recorded in the lead-in area and/or the lead-out area (Figs. 14 and 14 and Col. 4, lines 63-64), characterized in that, the preformed track further comprises an extended area (Fig. 8, area between T1 and T3 and Fig. 14)

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preceding the program calibration area containing special codes (Fig. 14, elements special information and additional information) representing additional control information for controlling a recording by a recording device. The special information and additional information represent additional control information for controlling a recording at least because special information 2 and 3 define the begin and end times of the HCC area (Col. 4, lines 59-62) in which extended recording is carried out (Col. 4, line 54).

In regard to claim 5, Su discloses that the sequence of address codes and special codes comprise a periodic pattern of address codes and special codes (Fig. 14 and Col. 4, line 65) characterized in that, the pattern in the lead-in area has a predetermined positional relationship with respect to a predetermined reference address (Fig. 8 and Col. 3, lines 44-45). It is noted that the predetermined reference address is T5 and the predetermined positional relationship that the lead-in area has with respect to a predetermined reference address is starting at the predetermined reference address.

In regard to claim 6, Su discloses that the predetermined reference address is the start address or end address of the lead-in area (Fig. 8 and Col. 3, lines 44-45).

In regard to claim 7, Su discloses that the periodic pattern comprising special codes separated by a first number of successive address codes (Fig. 14), characterized in that, the periodic pattern is shifted by a predetermined number of address codes with respect to the predetermined reference address (Fig. 14; Col. 3, lines 44-45; and Col. 4, lines 65-67). It is noted that the predetermined number of address codes is 0 (see Page 9, lines 8-13 of specification of claimed invention).

In regard to claim 13, Su discloses a record carrier (Fig. 8) of the disc-like optically inscribable type, having a preformed track in which an auxiliary signal comprising a sequence of

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codes is formed by means of a preformed track modulation, which codes comprise a sequence of address codes (Fig. 8, elements T1-T7; Col. 3, lines 44-45; and Col. 1, lines 24-28) specifying the addresses of the track portions in which said address codes are recorded and special codes (Fig. 13) for specifying control data for controlling a recording by a recording device, comprising: the preformed track comprises consecutively from an inner part of the disc; a program calibration area (Fig. 8, element PCA) reserved for recorder calibrating purposes, a program memory area (Fig. 8, element PMA) for temporarily storing recorded user content data, a lead-in area (Fig. 8, element Lead-in) for storing definitive recorded user content data, a program area (Fig. 8, element Program Area) for recording user data, and a lead-out area (Fig. 8, area beginning at end of Program area) for indicating end of the program area; and an extended area (Fig. 8, area between T1 and T3 and Fig. 14) preceding the program calibration area containing special codes (Fig. 14, elements special information and additional information) representing additional control information for controlling a recording by a recording device. The special information and additional information represent additional control information for controlling a recording at least because special information 2 and 3 define the begin and end times of the HCC area (Col. 4, lines 59-62) in which extended recording is carried out (Col. 4, line 54). The begin and end times of the HCC area are necessary for controlling a recording because otherwise the recording device would not know where to begin and end recording.

In regard to claim 17, Su discloses that the sequence of address codes and special codes comprise a periodic pattern of address codes and special codes (Fig. 15 with emphasis on "Repeating many times") within the lead-in area that has a predetermined positional relationship with respect to a predetermined reference address (Fig. 8 and Col. 3, lines 44-45). It is noted that the predetermined reference address is T6 of Fig. 8 and the predetermined positional relationship

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that the periodic pattern within the lead-in area has with respect to the predetermined reference address is that the periodic pattern starts at a location shifted from the predetermined reference address by the length of the lead-in area.

In regard to claim 18, Su discloses that the periodic pattern comprising special codes separated by a first number of successive address codes (Fig. 15), characterized in that, the periodic pattern is shifted by a predetermined number of address codes with respect to the predetermined reference address (Fig. 8, element T6). It is noted that the number of address codes by which the periodic pattern is shifted from the with respect to the predetermined reference address is equal to the number of address (ATIP) codes in the lead-in area.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-12 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Su in view of Mimmagh (US 5,835,462).

In regard to claims 10-12 and 21-23, Su discloses the record carrier of claims 1 and 13 having address codes and special codes. Su does not disclose how the address codes are distinguished from the special codes and does not disclose that the special codes contain bit combinations which do not occur in the address codes.

Mimnagh discloses that distinguishing address codes (Fig. 2, element AC) from special codes (Fig. 2, element HC) by making the special codes contain bit combinations which do not occur in the address codes (Col. 4, lines 7-14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the special codes of Su to contain bit combinations which do not occur in the address code of Su as suggested by Mimnagh, the motivation being to distinguish the address codes from the special codes.

In regard to claims 11 and 22, Mimnagh discloses that a plurality of most significant bits in the special codes contain bit combinations which do not occur in the address codes (Fig. 2 and Col. 4, lines 7-14).

In regard to claims 12 and 23, Mimnagh discloses that the special codes contain bit combinations which do not occur in the address codes (Col. 4, lines 7-14) and Su discloses that the special codes are indicative of commands for controlling the recording device (Fig. 14, elements special information and additional information and Col. 4, lines 59-62). The special information and additional information represent additional control information for controlling a recording at least because special information 2 and 3 define the begin and end times of the HCC area (Col. 4, lines 59-62) in which extended recording is carried out (Col. 4, line 54). The begin and end times of the HCC area in the special codes of Su are indicative of commands for controlling the recording device because they are indicative of commanding the recording device where to record the extended information.

Citation of Relevant Prior Art

6. Andoh (US 6,249,499) (Fig. 8 and Cols. 9-10) and Roth et al (US 5,418,764) (Fig. 6) disclose distinguishing address codes from special codes by using bit combinations of the most significant bits of the special codes that do not occur in the address codes. Mizumoto et al (US 5,289,450) discloses distinguishing special codes from address codes by using bit combinations of the most significant bits of the special codes that do not occur in the address codes and uses special codes that contain recording power for controlling the a recording by a recording device (Col. 2).

Allowable Subject Matter

7. Claims 2-4, 8, 9, 14-16, 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten to overcome the objections set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. Claims 8 and 9 are allowable for the reasons specified in the previous Office action.

In regard to claim 2, none of the references of record alone or in combination disclose or suggest a record carrier of the disc-like optically inscribable type, having a preformed track in which an auxiliary signal comprising a sequence of codes is formed by means of a preformed track modulation, which codes comprise a sequence of address codes specifying the addresses of the track portions in which said address codes are recorded and special codes for specifying control data for controlling a recording by a recording device, wherein the preformed track comprises consecutively from an inner part of the disc: a program calibration area reserved for recorder calibrating purposes, a program memory area for temporarily storing recorded user content data, a lead-in area for storing definitive recorded user content data, a program area for recording user data and a lead-out area for indicating end of the program area, wherein said special codes are

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recorded in the lead-in area and/or the lead-out area, characterized in that, the preformed track further comprises an extended area preceding the program calibration area containing special codes representing additional control information for controlling a recording by a recording device; characterized in that the extended area comprises an extended information area comprising the additional control information and a **buffer area located between the extended information area and the program calibration area containing only address codes.**

In regard to claim 14, none of the references of record alone or in combination disclose or suggest a record carrier of the disc-like optically inscribable type, having a preformed track in which an auxiliary signal comprising a sequence of codes is formed by means of a preformed track modulation, which codes comprise a sequence of address codes specifying the addresses of the track portions in which said address codes are recorded and special codes for specifying control data for controlling a recording by a recording device, comprising: the preformed track comprises consecutively from an inner part of the disc; a program calibration area reserved for recorder calibrating purposes, a program memory area for temporarily storing recorded user content data, a lead-in area for storing definitive recorded user content data, a program area for recording user data, and a lead-out area for indicating end of the program area; and an extended area preceding the program calibration area containing special codes representing additional control information for controlling a recording by a recording device; wherein the extended area further comprises: an extended information area comprising the additional control information; and a **buffer area located between the extended information area and the program calibration area containing only address codes.**

In regard to claim 19, none of the references of record alone or in combination disclose or suggest a device for recording to and/or playback of a record carrier of the disc-like optically

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inscribable type, having a preformed track in which an auxiliary signal comprising a sequence of codes is formed by means of a preformed track modulation, which codes comprise a sequence of address codes (AC) specifying the addresses of the track portions in which said address codes (AC) are recorded and special codes (SC) for specifying control data for controlling a recording by a recording device, comprising: the preformed track comprises consecutively from an inner part of the disc; a program calibration area (PCA) reserved for recorder calibrating purposes, a program memory area (PMA) for temporarily storing recorded user content data, a lead-in area (LI) for storing definitive recorded user content data, a program area (PA) for recording user data and a lead-out (LO) area for indicating end of the program area; and an extended area (XAA) preceding the program calibration area (PCA) containing special codes (SC) representing additional control information for controlling a recording by a recording device, wherein the sequence of address codes (AC) and special codes (SC) comprise a periodic pattern of address codes and special within the lead-in area (LI) that has a predetermined positional relationship with respect to a predetermined reference address; the device comprising: reading means for the reading the information recorded on the record carrier, and **recording means for recording the record carrier in accordance with a recording process**, the reading means comprising means to read the auxiliary signal recorded on the record carrier, selecting means for extracting the special codes and the address codes from the auxiliary signal, **control means for controlling the recording process**, characterized in that, **the control means are adapted to determine the predetermined positional relationship of the periodic pattern of address codes (AC) and special codes (SC) and to read the extended area (XAA) on the record carrier upon detecting the predetermined positional relationship.**

Response to Arguments

8. Applicant's arguments filed September 27, 2004 with respect to the rejection of claim 1 have been fully considered but they are not persuasive. Applicant argues that the special codes representing additional control information of Su (Fig. 14, special information and additional information) are not capable of controlling a recording by a recording device. It is noted that claim 1 does not require the claimed special codes representing additional control information to be capable of controlling a recording by a recording device. Instead claim 1 requires that the claimed special codes representing additional control information are for controlling a recording by a recording device. The special information and additional information of Su represent additional control information for controlling a recording at least because special information 2 and 3 define the begin and end times of the HCC area (Col. 4, lines 59-62). When controlling an extended recording in the HCC area by a recording device, it is necessary for the recording device to know where the HCC area begins and ends so that the recording device is controlled to record in the correct location. It is noted that in the record carrier of Su, begin and end times are synonymous with begin and end locations because of the use of ATIP (see Fig. 8). Furthermore, Applicant's discussion of prior art discloses information containing the location of special areas on the record carrier in special codes as control information for recording (Page 1, lines 7-9). The HCC area of Su is a special area used for recording of extended information and the special codes of Su contain information containing the location (begin and end times) of the HCC area as control information for recording.

9. Applicant's arguments filed September 27, 2004 with respect to the rejection of claim 5 have been fully considered but they are not persuasive. Applicant argues that Su does not disclose or suggest the sequence of address codes claimed in claim 5. Fig. 14 shows that the sequence of

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address codes and special codes is a periodic pattern (note the "Repeating many times" of Fig. 14). Fig. 8 and Col. 3, lines 44-45 of Su disclose that the pattern in the lead-in area has a predetermined positional relationship with respect to a predetermined reference address because Fig. 8 shows that the pattern in the lead-in area has the predetermined positional relationship of beginning at the predetermined reference address of T5. Further, Applicant's argues that the rejections have not shown where Su discloses that the HCC frame contents of Fig. 14 are codes. Examiner is respectfully unable to understand this argument because the contents of the HCC frame are itself a code that represents information. Perhaps if Applicant's would specify how the HCC frame contents do not read on a "code", Examiner would be better able to respond to the argument.

10. Applicant's arguments filed September 27, 2004 with respect to the rejection of claim 6 have been fully considered but they are not persuasive for the same reasons that the arguments with respect to claim 5 are not persuasive. It is further noted that Fig. 8 clearly shows the lead-in area starting at the reference address of T5.

11. Applicant's arguments filed September 27, 2004 with respect to the rejection of claim 7 have been fully considered but they are not persuasive for the same reasons that the "code" arguments with respect to claim 5 are not persuasive.

12. Applicant's arguments filed September 27, 2004 with respect to the objections to claims 8 and 9 have been fully considered but they are not persuasive because they are based on the unpersuasive arguments that claim 5 is allowable.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

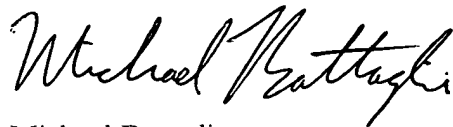
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael V Battaglia whose telephone number is (703) 305-4534. The examiner can normally be reached on 5-4/9 Plan with 1st Friday off.

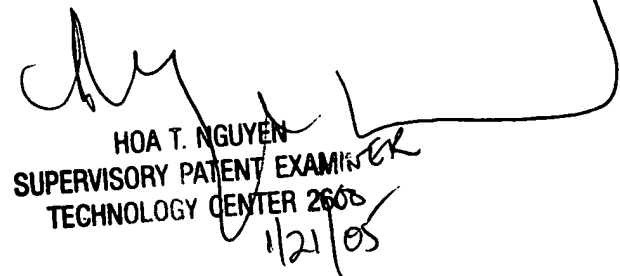
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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1/21/05